

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LATONYA TYUS; DAVID HUNSICKER;  
LINDA DAVIS; TERRON SHARP;  
COLLINS KWAYISI; LEE JONES; RAISSA  
BURTON; JERMEY MCKINNEY; and  
FLORENCE EDJEOU, all on behalf of  
themselves and all similarly-situated  
individuals.

**Plaintiffs,**

VS.

WENDY'S OF LAS VEGAS, INC.; CEDAR ENTERPRISES, INC.; and DOES 1 through 100, Inclusive,

## Defendants.

Case No: 2:14-cv-00729-GMN-VCF

## [PROPOSED] ORDER

**(1) CONFIRMING  
CERTIFICATION OF  
CLASS ACTION;**

**(2) GRANTING FINAL APPROVAL TO CLASS ACTION SETTLEMENT; AND**

**(3) ENTERING FINAL JUDGMENT  
NOTICE OF PROPOSED SETTLEMENT  
OF CLASS ACTION, PRELIMINARY  
APPROVAL OF SETTLEMENT, AND  
HEARING DATE FOR FINAL COURT  
APPROVAL**

On August 19, 2020, a hearing was held on the joint motion of Plaintiffs Latonya Tyus; David Hunsicker; Collins Kwayisi; Lee Jones; Raissa Burton; Jermey Mckinney; and Florence Edjeou (collectively the “Named Plaintiffs”) and Defendants Wendy’s of Las Vegas, Inc. and Cedar Enterprises, Inc. (collectively “Defendants”) for final approval of their class settlement (the “Settlement”) and payments to the Settlement Administrator. Bradley Schrager and Daniel Bravo of Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP appeared for the Named Plaintiffs and the Class; and Montgomery Paek and Neil Baker of Littler Mendelson, P.C. appeared for Defendants. The Named Plaintiffs and Defendants are collectively referred to as the Parties.

The Parties have submitted their Settlement, which this Court preliminarily approved by its May 27, 2021, Order (the “Preliminary Approval Order”). In accordance with the Preliminary Approval Order, Class Members have been given notice of the terms of the Settlement and an opportunity to comment, and Class Members have been given the opportunity to object, comment or to opt-out. Class Members have also been provided an individualized Claim Form.

1 Having received and considered the Settlement, the supporting papers filed by the Parties,  
2 and the evidence and argument received by the Court before entering the Preliminary Approval  
3 Order and at the final approval hearing, the Court grants final approval of the Settlement, enters  
4 this Final Approval Order, and HEREBY ORDERS and MAKES DETERMINATIONS as  
5 follows:

6 1. The Court has subject matter jurisdiction over this action and the Parties'  
7 proposed settlement as Plaintiffs' Complaint was brought before this Court pursuant to 28 U.S.C.  
8 § 1332(d).

9 2. Pursuant to this Court's Preliminary Approval Order, a Class Notice Packet  
10 consisting of a (i) Notice of Proposed Settlement of Class Action, Preliminary Approval of  
11 Settlement, and Hearing Date for Final Court Approval, and (ii) Claim Form was sent to each  
12 Class Member by first-class mail. These papers informed Class Members of the terms of the  
13 Settlement, their right to receive a proportionate Settlement Share, their right to comment on,  
14 object to or opt-out of the Settlement and pursue their own remedies, and their right to appear in  
15 person or by counsel at the final approval hearing and be heard regarding approval of the  
16 Settlement. Adequate time was allowed for each of these procedures.

17 3. The Court finds and determines that this notice procedure afforded adequate  
18 protections to all Class Members and provides the basis for the Court to make an informed  
19 decision regarding approval of the Settlement based on the responses of Class Members. The  
20 Court finds and determines that the notice provided in this case was the best notice practicable,  
21 which satisfied the requirements of law and due process.

22 4. Zero (0) Class Members filed written objections to the proposed Settlement as  
23 part of this notice process or stated an intent to appear at the final approval hearing. Zero (0)  
24 Class Members filed written comments to the proposed settlement.

25 5. For the reasons stated in its Order of September 29, 2019, ECF No. 123, this  
26 Court finds and determines that the Class, as defined in the Settlement, meets all of the legal  
27 requirements for certification as a class action under Rule 23 of the Federal Rules of Civil  
28

1 Procedure. It is hereby ordered that the Class is finally certified as a class action for purposes of  
2 settlement of this action.

3       6.     The Court further finds and determines that the terms of the Settlement are fair,  
4 reasonable, and adequate to the Class and to each Class Member, that Class Members who have  
5 not opted out are bound by the terms of the Settlement. The Settlement is approved and all terms  
6 and provisions should be and hereby are ordered to be consummated.

7       7.     The Court finds and determines that the Settlement Shares to be paid to the Three  
8 Hundred Thirty-four (334) Claimants as provided by the Settlement are fair and reasonable. The  
9 Court hereby gives final approval to and orders the payment of those amounts be made to the  
10 Three Hundred Thirty-four (334) Claimants out of the Net Settlement Amount in accordance  
11 with the Settlement.

12       8.     The Court finds and determines that the fees and expenses of the Settlement  
13 Administrator, in administrating the Settlement, in the amount of \$21,100.00, are fair and  
14 reasonable. The Court hereby gives final approval to and orders that the payment of that amount  
15 be paid out of the Gross Settlement Amount in accordance with the Settlement.

16       9.     The Court finds and determines that Five Hundred Seventy-Five Thousand Nine  
17 Hundred Dollars (\$575,900.00) as Class Counsel Fees and Class Counsel Litigation Expenses is  
18 fair and reasonable. The Court hereby gives final approval to and orders that the payment of  
19 those amounts out of the Gross Settlement Amount in accordance with the Settlement.

20       10.    The Court finds and determines that the Named Plaintiff's Class Representative  
21 Payments of Five Thousand Dollars (\$5,000.00) each is fair and reasonable. The Court hereby  
22 gives final approval to and orders that the payment of that amount to each of the Named  
23 Plaintiffs in accordance with the Settlement.

24       11.    Nothing in this order may preclude any action to enforce the Parties' obligations  
25 under the Settlement or under this order, including the requirement that Defendants make  
26 payments to the Three Hundred Thirty-four (334) Claimants in accordance with the Settlement.

12. Upon completion of administration, the Settlement Administrator will provide written certification of such completion to the Court and counsel for the Parties.

13. By operation of the entry of this Final Approval Order, Named Plaintiffs and Class Members are permanently barred from prosecuting against Defendants and the Released Parties any of the released claims as specified in the Settlement Agreement.

6       14. If, for any reason, the Settlement ultimately does not become Final (as defined by  
7 the Settlement), this Final Approval Order will be vacated; the Parties will return to their  
8 respective positions in this action as those positions existed immediately before the Parties  
9 executed the Settlement; and nothing stated in the Settlement or any other papers filed with this  
10 Court in connection with the Settlement will be deemed an admission of any kind by any of the  
11 Parties or used as evidence against, or over the objection of, any of the Parties for any purpose in  
12 this action or in any other action.

13        15. By means of this Final Approval Order, this Court hereby enters final judgment in  
14 this action, as defined in the Federal Rules of Civil Procedure.

15        16. Without affecting the finality of this Final Approval Order in any way, the Court  
16 retains jurisdiction of all matters relating to the interpretation, administration, implementation,  
17 effectuation and enforcement of this order and the Settlement.

17. The Parties are hereby ordered to comply with the terms of the Settlement.

19       18. This action is dismissed with prejudice, each side to bear its own costs and  
20 attorneys' fees except as provided by the Settlement and this Court's order on Plaintiffs' Motion  
21 for Final Approval of the Settlement, Settlement Administrator's Fees and Expenses,  
22 Class Representative Payments, and Class Counsel's Attorneys' Fees and Costs.

## **IT IS SO ORDERED.**

Dated this 31 day of August, 2021

Gloria M. Navarro, District Judge  
**UNITED STATES DISTRICT COURT**